IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 461 of 2003

in

SPECIAL CIVIL APPLICATION No 320 of 2003

with

CIVIL APPLICATION No 3340 of 2003

For Approval and Signature:

Hon'ble ACTING CHIEF JUSTICE MR.JN BHATT
and
Hon'ble MR.JUSTICE A.L.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

ORIGINAL COMPANY ANJANI SYNTHETICS LTD.,

Versus

MOHMED JUMERATI TOLAKMIYA

Appearance:

1. LETTERS PATENT APPEAL No. 461 of 2003

MR KISHOR M PAUL for Appellant No.

MR PREM H SINGH for Respondent No. 1

MR JS YADAV for Respondent No. 2

CORAM : ACTING CHIEF JUSTICE MR.JN BHATT
and
MR.JUSTICE A.L.DAVE

Date of decision: 28/07/2003

ORAL JUDGEMENT

(Per : ACTING CHIEF JUSTICE MR.JN BHATT)

#. Admit.

#. Upon the joint request, the matter is taken up for final hearing. The learned counsel appearing for the parties have offered their submissions.

#. In the peculiar facts and circumstances of the case, and in view of the statements made by the learned counsel appearing for the parties at the Bar, the impugned award of the Labour Court in Recovery Application No.2418 of 1994 dated 10th September, 2001, made under Section 33C-2 of the Industrial Disputes Act, 1947, and the resultant Recovery Certificate dated 7th December, 2002, issued in favour of the respondent No.1 herein, as also, the culminated judgment of the learned Single Judge dated 31st March, 2003, are required to be quashed and set aside, and they are accordingly quashed and set aside. The Labour Court is directed to re-examine and reconsider the legal and factual aspects and the merits of the application made under Section 33C-2 of the Industrial Disputes Act, 1947, by the respondent No.1 herein, and after giving opportunity of hearing to the parties concerned, shall adjudicate and decide the said application afresh as expeditiously as possible, but not later than November, 2003. In case the matter is not disposed of by the time stipulated, the concerned Labour Court shall have to seek further time with explanation.

#. With these observatinos and directions, the Letters Patent Appeal shall stand partly allowed and the Civil Application shall stand disposed of. Notice is discharged.

#. In the peculiar facts and circumstances of the case, the appellant shall pay to the respondent-workman, a sum of Rs.2,500/= by way of costs.

(J.N.Bhatt, Actg.C.J.)

(A.L.Dave, J.)

(sunil)